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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,731	10/25/2001	Alistair Bruce Kelman	GIL.P.US0017	8113
26360	7590	10/25/2005	EXAMINER	
RENNER, KENNER, GREIVE, BOBAK, TAYLOR & WEBER			LANIER, BENJAMIN E	
FIRST NATIONAL TOWER FOURTH FLOOR				
106 S. MAIN STREET			ART UNIT	PAPER NUMBER
AKRON, OH 44308			2132	

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/980,731	KELMAN, ALISTAIR BRUCE
	Examiner Benjamin E. Lanier	Art Unit 2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 October 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed 25 October 2001 amends claims 1-9. Applicant's amendment has been fully considered and is entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 6, 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "the recorded message" in line 8. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 1 recites the limitation "the recorded message being enciphered by a cipher unit with the date, time and serial number held in the said cipher data register" which renders the claim vague and indefinite because it is unclear whether the recorded message is being encrypted by the date, time and serial number that is held in the cipher data register or if the recorded message is merely being encrypted by a cipher unit which happens to contain the cipher data register that holds the date, time and serial number. Claim 1 later goes on to recite "geographical location information is used by the cipher unit to encipher the recorded message", which further adds to the vague and indefiniteness of the claim language because it is unclear exactly how the recorded message is encrypted/enciphered and with what the recorded message is encrypted/enciphered. For the purposes of examination the claim limitations will be given their

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broadest definite interpretation, which will be "the recorded message is enciphered" since the manner in which the recorded message is enciphered is vague and indefinite.

6. Claim 6 recites the limitation "the recorded information" in line 3. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 6 recites the limitation "the recorded informaiton being enciphered by a cipher unit with the date, time and serial number held in the said cipher data register" which renders the claim vague and indefinite because it is unclear whether the recorded information is being encrypted by the date, time and serial number that is held in the cipher data register or if the recorded information is merely being encrypted by a cipher unit which happens to contain the cipher data register that holds the date, time and serial number. Claim 1 later goes on to recite "geographical location information is used by the cipher unit to encipher the recorded information", which further adds to the vague and indefiniteness of the claim language because it is unclear exactly how the recorded message is encrypted/enciphered and with what the recorded message is encrypted/enciphered. For the purposes of examination the claim limitations will be given their broadest definite interpretation, which will be "the recorded information is enciphered" since the manner in which the recorded information is enciphered is vague and indefinite.

8. Claim 9 recites the limitation "the private key encrypted date, time, serial number and geographic location of the set top box" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 9 recites the limitation "the work" in line 6. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 9 recites the limitation "the short message service system" in line 7. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1, 2, 4-8, are rejected under 35 U.S.C. 102(e) as being anticipated by Schumacher, U.S. Patent No. 6,269,446. Referring to claims 1, 6, Schumacher discloses a system for authenticated images from digital cameras wherein the images are authenticated by deriving a digital signature based on both coded GPS data and image data, and by storing the digital signature in the image file header (Col. 1, line 66 – Col. 2, line 3), which meets the limitation of a device for use in validating recorded digitized information including voice, video, telemetry or computer generated information or the like, characterized in that the device includes a tamper-proof unit accommodating means, the device being arranged in operation to produce a data file for recording on standard recording media having a header and an enciphered message, the device further including a geophysical location defining unit for generating geophysical location information indicative of the actual location of the device. A message digest is created for the image data, with the message digest being derived from the image data itself together with GPS-derived data such as time stamp data, location data and camera information, such as a serial number of the camera (Col. 2, lines 4-12), which meets the limitation of the recorded message

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being enciphered by a cipher unit with the date, time and serial number held in the said cipher register, geophysical location information is used by the cipher unit to encipher the recorded message and is included by the encryption unit in the encryption header. The message digest is encrypted with a private key secure with the digital camera (Col. 2, lines 13-14), which meets the limitation of the header contains the private key encrypted date, time and serial number used in the cipher process provided by an encryption unit, a cipher data register and the private key of a public/private key encryption pair allocated to the device.

Referring to claim 2, Schumacher discloses that the location information comes from a global positioning system (Col. 2, lines 4-9).

Referring to claims 4, 8, Schumacher discloses that a message digest is created for the image data, with the message digest being derived from the image data itself together with GPS-derived data such as time stamp data, location data and camera information, such as a serial number of the camera (Col. 2, lines 4-12), which meets the limitation of the encryption unit also creates a digital fingerprint for incorporation in the header which said digital fingerprint comprises a unique value calculated from the message.

Referring to claim 5, Schumacher discloses that the digital camera authenticates the location information from the GPS unit before the information is used cryptographically in the header (Col. 3, lines 44-49), which meets the limitation of location identifier is programmed with the actual geophysical location of the device and is arranged to inhibit the operation of the cipher unit and the encryption unit if the values of the actual geophysical location information generated by the geophysical unit do not equate.

Referring to claim 7, Schumacher discloses that the digital images can be authenticated using a trusted third party (Col. 2, lines 32-36).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schumacher, U.S. Patent No. 6,269,446, in view of Alperovich, U.S. Patent No. 6,317,609. Referring to claim 3, Schumacher discloses transferring the digital image information from the digital camera to a PC or other device (Col. 4, line 66 – Col. 5, line 3), but does not disclose distributing the image information using a short message service system. Alperovich discloses a method for transmitting digital images wherein a digital camera transmits digital images using the short message service (Col. 6, lines 11-19 & Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the authentication system of

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Schumacher with the ability to transmit the images using the SMS technology to cellular phones as taught in Alperovich (Col. 6, lines 11-19).

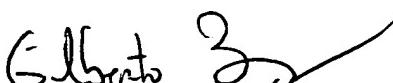
***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th0 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Benjamin E. Lanier

  
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